

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:19-CV-581-RJC-DCK**

JOSEPH B. LAMBERT,

Plaintiff,

v.

FIRST HORIZON BANK, et al.,

Defendants.

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ORDER

THIS MATTER IS BEFORE THE COURT on “Plaintiff’s Amended Motion For Extension Of The Scheduling Order Deadlines And For Deviation From The ADR Rules” (Document No. 43) filed April 29, 2022. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion and the record, the undersigned will grant the motion with modification.

By the instant motion, Plaintiff seeks to extend the mediation deadline to August 31, 2022 and the trial date to January 3, 2023. The motion does not comply with Local Rule 7.1(b); however, Defendant’s counsel has informed the Court that Defendant consents to an extension of the mediation deadline, but does not consent to extension of the trial date.

The undersigned observes that a mediation report was due by January 14, 2022. (Document No. 38). Neither side timely requested an extension or otherwise updated the Court on the status of the case.

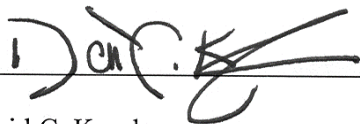
Defendant did timely file a “...Motion For Summary Judgment” (Document No. 40) on April 15, 2022. To date, Plaintiff has not filed a response or requested additional time to do so.

IT IS, THEREFORE, ORDERED that “Plaintiff’s Amended Motion For Extension Of The Scheduling Order Deadlines And For Deviation From The ADR Rules” (Document No. 43) is **GRANTED with modification**. The parties shall file a mediation report on or before **June 3, 2022**. The parties may conduct the mediation by videoconference, if necessary. The trial date in this matter remains **September 6, 2022**.

IT IS FURTHER ORDERED that the undersigned will *sua sponte* permit Plaintiff an extension of time to file a response to “Defendant’s Motion for Summary Judgment” (Document No. 40). Plaintiff shall file his response on or before **May 25, 2022**. Defendant shall file a reply brief in support of its Motion for Summary Judgment on or before **June 10, 2022**.

SO ORDERED.

Signed: May 3, 2022



David C. Keesler
United States Magistrate Judge

